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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,144	04/27/2001	Stephen Gold	1509-175	7307

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EXAMINER	
DAMIANO, ANNE L	

ART UNIT	PAPER NUMBER
2114	6

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,144	GOLD, STEPHEN	
	Examiner	Art Unit	
	Anne L Damiano	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 12-16* is/are rejected.

7)☒ Claim(s) *3-11,17 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 3-11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (5,751,936).

As in claim 1, Larson discloses a method of operating a computer entity comprising a plurality of data storage devices, to install at least one said data storage device, said method comprising the steps of:

Checking a first said data storage device for a digital signature (logical identifier) (column 2: lines 37-44);

Checking a second said data storage device for a digital signature (logical identifier);

Determining whether said first and second digital signatures match each other (column 2: line 60- column 3: line 5); and

If a discrepancy in signatures is found between said first and second data storage devices, setting digital signatures of said first and second data storage devices to be in a self consistent set (column 3: lines 13-29 and lines 42-48).

As in claim 2, Larson discloses the method as claimed in claim 1, further comprising the step of re-setting said computer entity to a known state (column 3: lines 27-29).

As in claim 14, Larson an installation component for automatically installing a data storage device into a computer entity, said installation component comprising:

Means for checking a digital signature (logical identifier) on a plurality of data storage device (column 2: lines 37-44);

Means for determining whether a plurality of said digital signatures read from a plurality of said data storage devices match each other (column 2: line 60- column 3: line 5); and

Means for determining a re-set mode of said computer entity, to restore said computer entity to a known state (column 3: lines 13-29 and lines 42-48).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2 and 14 are also rejected under 35 U.S.C. 102(e) as being anticipated by Howe et al. (6,446,199).

As in claim 1, Howe discloses a method of operating a computer entity comprising a plurality of data storage devices, to install at least one said data storage device (column 1: lines 17-21), said method comprising the steps of:

Checking a first said data storage device (Flash ROM) for a digital signature (identifier) (column 2: lines 3-6, column 3: lines 25-27);

Checking a second said data storage device (RAM) for a digital signature (identifier) (column 2: lines 8-12, column 3: lines 27-29);

Determining whether said first and second digital signatures match each other (column 4: lines 9-11); and

If a discrepancy in signatures is found between said first and second data storage devices, setting digital signatures of said first and second data storage devices to be in a self consistent set (column 4: lines 12-19). (If a discrepancy is found between the identifiers, the first storage device is reprogrammed to match the second storage device making both storage devices uniform, or self-consistent. The reprogramming of the first storage device will in turn, change its identifier to be compatible with that of the second storage device.)

As in claim 2, Howe discloses the method as claimed in claim 1, further comprising the step of re-setting said computer entity to a known state (column 4: lines 19-20).

As in claim 14, Howe an installation component for automatically installing a data storage device into a computer entity, said installation component comprising:

Means for checking a digital signature (identifiers) on a plurality of data storage device (column 2: lines 3-10 column 3: lines 25-29);

Means for determining whether a plurality of said digital signatures read from a plurality of said data storage devices match each other (column 2: lines 7-9); and

Means for determining a re-set mode of said computer entity, to restore said computer entity to a known state (column 4: lines 12-19). (If a discrepancy is found between the identifiers, the first storage device is reprogrammed to match the second storage device making devices return to a known state.)

6. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by van Gilluwe et al. (6,351,850).

As in claim 12, van Gilluwe discloses a data storage device comprising:

A data storage medium, said data storage medium pre-configured for storage of code data comprising:

A primary operating system;

A secondary operating system;

A copy of said primary operating system (column 2: lines 42-47 and column 4: lines 45-53); (Different versions of the same operating system is a copy of the primary operating system.) and

An installation component for automatically installing said data storage device into a computer entity (column 6: lines 50-52).

As in claim 13, Gilluwe discloses the data storage device as claimed in claim 12, wherein said installation component is configured to install said data storage device either as a system data storage device comprising a plurality of operating system files, or, as a bulk data storage device for storing application data generated from applications of a computer entity (column 2: lines 47-57). (The existing data that is retained is bulk data. The partitions of data that do not contain operating systems contain the bulk data.)

7. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Fontanesi et al. (6,681,323).

As in claim 15, Fontanesi discloses method of operating a computer entity comprising a plurality of data storage devices, wherein:

A first said data storage device is designated as a system data storage device, which stores operating system files (column 3: lines 45-50);

A second said data storage device is designated as a bulk data storage device, for storing application data generated by one or more applications of a said computer entity (column 4: lines 12-20);

Said method comprising the steps of:

Checking each of said plurality of data storage devices to see if said data storage device has been replaced following a last re-set operation of said computer entity (column 6: lines 9-12 and figure 3A components S110); (The process flag is checked to determine the first reboot has occurred. If the first reboot has not occurred a first boot occurred which indicates that the devices have been replaced following the last reset.) and

If a said data storage device is detected, which has been replaced since a last re-set operation of said computer entity, then resetting said computer entity to a known state (column 5: lines 51-62 and figure 3B: components S15, S120 and S125). (When it is an initial boot, the CMOS parameters being set and then rebooting the computer is resetting the computer to a known state.)

8. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by McMichael et al. (6,665,786).

As in claim 16, McMichael discloses an installation procedure for installing a data storage device into a computer entity configured to contain a plurality of data storage devices, said installation procedure comprising the steps of:

(i) Introducing into said computer entity a digital storage device loaded with at least one operating system (volume manager), and an installation component for installing said data storage device into said computer entity (column 1: lines 58-64 and column 2: lines 53-55); (Since the volume manger is a component of the operating system (column 1: line 58-60), a new volume manager being added to the system (column 2: lines 53-55) is introducing a new digital storage device loaded with an operating system.)

(ii) Checking each said data storage device of said computer entity for a signature (identifier) (column 9: lines 25-27);

(iii) Determining whether all said signatures of said data storage devices are in a matching set (column 9: lines 23-28);

(iv) If said plurality of signatures are determined not to be in a matching set, then determining which data storage devices are already designated as system data storage devices, containing an operating system and which data storage devices are already designated as for storing bulk data (logical volumes);

(v) Depending on the result of step (iv), designating said introduced data storage device as a system data storage device or a bulk data data storage device, so that within said plurality of data storage devices there exists at least one system data storage device and at least one bulk data storage device (column 2: lines 53-63) (The system knows when a new volume manger arrives. The partitions are assigned according to the appropriate volume manager); and

(vi) Re-setting said computer entity to a known state (column 7: lines 25-29 and lines 37-41). (When new devices are introduced to the system, it reboots to make the appropriate assignment changes.)

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ALD

SCOTT BADERMAN
PRIMARY EXAMINER